In re Patent Application of
WILSON ET AL.
Serial No. **10/748,723**
Filed: **DECEMBER 30, 2003**
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REMARKS

Applicants thank the Examiner for the careful and
thorough examination of the present application, for correctly
indicating that dependent Claims 66-68 recite patentable subject
matter, and for extending all courtesies during a telephonic
interview of January 27, 2009.

During the telephonic interview, Applicants proposed
amending the independent claims. The Examiner responded
favorably and invited Applicants to submit a written Amendment
for careful consideration. Accordingly, Applicants have amended
independent Claims 24, 39, 45, 51, and 65 to more clearly define
the claimed invention over the prior art.

Applicants submit that all claims are patentable, and
present arguments and amendments herein supporting such
patentability.

I.   The Amended Claims

Amended independent Claim 24 is directed to a method
of messaging between a wireless mobile terminal operating on a
wireless carrier network and a networked computer on a landline
network. The method may include starting a client on a device
selected from the group including the wireless mobile terminal
and the networked computer, the client for communicating
messages in a push-to-talk (PTT) mode. The method also includes
the client sending a login message to a server located outside
of the wireless carrier network, the server communicating with

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the client by way of a packet network, and the server
establishing a communication session with the client in response
to receiving the login message. The method further includes at
the device, selecting at least one recipient for a PTT message,
the at least one recipient including the other device from the
group including the wireless mobile terminal and the networked
computer, and sending the PTT message to the server by way of
the packet network using a PTT function provided by the client.

The method also includes determining availability of
each of the at least one recipient to currently receive the PTT
message, and the server selectively forwarding the PTT message
to the at least one recipient that is available, and based on
the respective availability of the at least one recipient,
storing the PTT message for later delivery to an unavailable
recipient. Claim 24 has been amended to recite the server also
forwarding the PTT message to an external email system for
delivery to the unavailable recipient using login information
stored at the server, the login information being for the
external email system and associated with the unavailable
recipient. Support for this claim amendment is found in
paragraph 47 of the present application.

Amended independent Claims 39, 45, 51, and 65 are
directed to a related computer program product, a related
wireless mobile terminal, a related networked device, and a
related system, respectively, and have all been amended
similarly.

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II.   The Amended Claims Are Patentable

The Examiner rejected amended independent Claims 24, 39, 45, 51, and 65 over McConnell et al. in view of Knauerhase. McConnell et al. discloses a wireless communication system including a communicating entity 12, for example, a wireless communications device, a proxy server 14 communicating directly with the communicating entity, an application server 16, for example, a email server, communicating with the communicating entity via the proxy server, and a data store 22 cooperating with the proxy server. (Figure 1 and Paragraphs 38-50). The proxy server accesses the data store for data relating to accessing the application server.

Referring to Figure 3 of McConnell et al., reproduced below, a second embodiment of wireless communication system includes an internet protocol (IP) network 50 communicating via wired connections with a service agent 62 (proxy server 14), a push-to-talk server 68 (application server 16), and an instant messaging server 70 (application server 16). The system also communicates with a mobile wireless station 48 (communicating entity 12). (Paragraph 51). The wireless station may send messages, for example, instant messages and PTT messages to appropriate servers through the IP network. (Paragraph 54). The wireless device may also use the service agent as a middleman/proxy for communication in the IP network. (Paragraph 57).
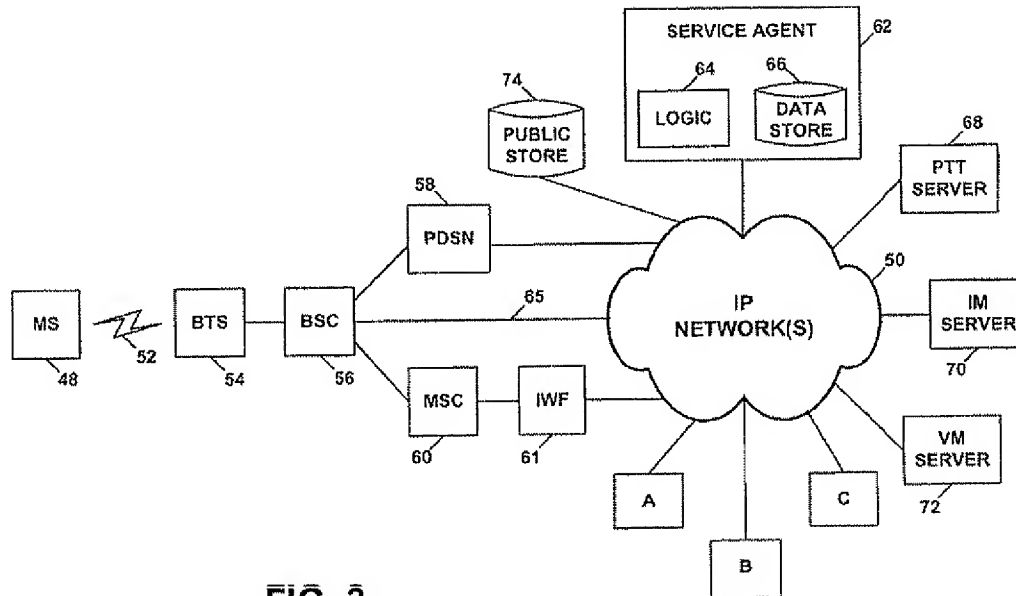
FIG. 3

Figure 3 of McConnell et al.

The Examiner correctly notes that McConnell et al.
fails to disclose determining the availability of each of the
recipients to currently receive the PTT message, and now looks
to Knauerhase for this deficiency. Knauerhase discloses a
method for forwarding messages to a recipient based upon the
recipient's accessibility. (Paragraph 14). Knauerhase also
discloses a message store configured to store messages pending
deliver. (Paragraph 25). The Examiner contended that since
these references are in the same field of endeavor, it would
have been obvious to the person of ordinary skill in the art to
combine the references as suggested.

Applicants have amended independent Claim 24, for
example, to recite forwarding the PTT message to an external

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email system for delivery to the unavailable recipient <u>using</u>
<u>login information stored at the server, the login information</u>
<u>being for the external email system and associated with the</u>
<u>unavailable recipient</u>. As Applicants noted during the
telephonic interview, McConnell et al. recites the:

> [e]nhanced proxy server 14 may similarly
> take various forms. For instance, the
> enhanced proxy server can be a computer that
> is programmed with proxy server
> functionality and with data-publication
> functionality. The proxy server
> functionality would allow the enhanced proxy
> server to receive a signaling message
> indicative of a communication involving
> communicating entity 12 and to proxy the
> signaling message to an appropriate
> destination (possibly through another
> proxy), such as to application server 16.
> And the data-publication functionality would
> allow the enhanced proxy server to extract
> <u>from data store 22 (e.g., through a suitable</u>
> <u>query) a set of data that can be used by</u>
> <u>application server 16 to carry out a</u>
> <u>communication service in response to the</u>
> <u>signaling message, and to make that data</u>
> <u>available for use by application server 16.</u>
> (Paragraph 40).

Differently, amended independent Claim 24 recites
<u>login information</u> stored at the server rather than the storing
of "a set of data that can be used by application server 16 to
carry out a communication service in response to the signaling
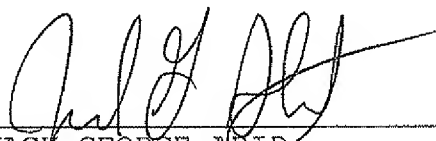message," as recited in McConnell et al. *Id.*

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Accordingly, because of this noted deficiency of McConnell et al., it is submitted that amended independent Claim 24 is patentable over the prior art. Amended independent Claims 39, 45, 51, and 65 are similar to independent Claim 24 and are also patentable for similar reasoning. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSIONS

In view of the amendments to the claims and the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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